

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 26, 2006 PLANNING COMMISSION MEETING

PROJECT #: Use Permit #06004 - Yankee Ridge Commercial Center

PROPOSAL: A 224,000 square foot commercial center including retail, bank with drive-through, general commercial and restaurants.

LOCATION: Northwest of the intersection South 40th Street and Yankee Hill Road.

LAND AREA: 20.58 acres more or less.

EXISTING ZONING: B-2 Planned Neighborhood Business

**WAIVER REQUEST/
MODIFICATION:**

1. Adjust yard setbacks to 0' for Lots 1-6.
2. Allow signs for individual pad sites to be located more than 30' from the building.

CONCLUSION: The zoning on this site was changed to B-2 at the same time the Pine Lake Heights South 4th preliminary plat was approved in 2002. The site plan shows 224,000 square feet of commercial floor area, with 174,000 square feet of it dedicated to one anchor tenant. Neither the Comprehensive Plan nor Zoning Ordinance specify maximum floor area limits for individual stores, only for the total amount of floor area in the center. Of the two requested modifications, the first relating to setbacks is actually not required due to the configuration of the site. The modification to allow identification signs more than 30' from a building have been routinely granted by the City in the past, and is also appropriate in this case. The center layout shown is consistent with a neighborhood center as described in the Comprehensive Plan. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
Waivers/modifications:	
1. Adjust internal yard setbacks to 0' for Lots 1-6.	Not Required

2. Allow signs for individual pad sites to be located more than 30' from the building.

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Vacant and undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Single-family, townhouse residential	R-3, O-3
South:	Agriculture (Wilderness Hills 1 st Addition preliminary plat has been submitted and is under review showing single-family residential adjacent to this site)	AG
East:	Golf Course	AG
West:	Townhouse residential	R-4

HISTORY:

April 5, 2002 - PP#00029 and CZ#3298 Pine Lake Heights South 4th preliminary plat #PP#00029 and CZ#3298 were approved. This preliminary plat included commercial centers near the intersections of both South 27th Street and Yankee Hill Road, and South 40th Street and Yankee Hill Road, and R-3 and R-4 areas for residential development. The change of zone revised the zoning pattern previously approved with CZ#3105.

February 3, 1999 - ANNEX #98005 was approved and included the land in the preliminary plat, along with approximately 450 acres of land southwest of the intersection of South 27th Street and Yankee Hill. An annexation agreement was also approved and subsequently amended **September 1, 2000**.

February, 1999 - Comprehensive plan amendment CPA #94-31 approved the S1/S2 Sub-area Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - This site is designated for commercial land uses on the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is within the City's Future Service Limit.

Page F38 - General Principles for all Commercial and Industrial Uses - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages;
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning);
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan;
- in areas compatible with existing or planned residential uses;
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian).

Page F41 - Existing and Proposed Commerce Centers

Designates a neighborhood center northwest of South 40th Street and Yankee Hill Road.

Page F47 - Neighborhood Centers

Center Size - Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet.

Description - Neighborhood centers provide services and retail goods oriented to the neighborhood level, such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses.

Page F87 - Transportation Planning Principles

- A Balanced Transportation System - The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and into the future.

Page F91 - Other Areas

- All areas of the community should have safe, secure and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

UTILITIES: All utilities are present to serve this site.

TRAFFIC ANALYSIS: This property is adjacent to South 40th Street and Yankee Hill Road, both arterial streets. South 40th Street was recently improved to urban standards from approximately San Mateo Lane to Yankee Hill Road, and Yankee Hill Road is under construction and being improved between South 27th and South 40th Streets.

Improvements to the surrounding arterial street system were identified in previous traffic studies which anticipated commercial development at both the South 27th and South 40th Streets and Yankee Hill intersections. The most recent traffic study for the area was submitted with UP#149 for Stone Ridge Estates, located northwest of South 27th Street and Yankee Hill Road. In their review, Public Works indicates that the trip cap analysis

provided with this request shows an additional 300 trips being generated by this development when compared to the most recently submitted traffic study for this area.

ANALYSIS:

1. B-2 zoning was approved for this site in 2002, and an approved use permit is required prior to development. The Planning Commission does not have approval authority for the requested adjustments to setbacks and sign requirements, so the request must be considered by the City Council.
2. The site plan shows 224,000 square feet of commercial floor area, with 174,000 square feet dedicated to one anchor tenant. The proposed uses include retail, bank with drive-through, general commercial and restaurants. The Comprehensive Plan designates commercial uses for this site along with the O-3 adjacent to the north which was recently approved for townhouses. It also designates a neighborhood center at this location. The proposed uses and building floor areas comply with the neighborhood center land use designation in the Comprehensive Plan. Recently the Planning Commission discussed floor area limits for anchor tenants in commercial centers, however none have been adopted at this time.
3. While there is no standard established in the Comprehensive Plan or Zoning Ordinance on the maximum size of an individual user, this administration established an "interim" policy through the evaluation of the proposed neighborhood center at North 84th and Adams Streets. The policy is: The size of any user or building should not exceed 175,000 square feet, including any year-around outdoor open sales or display area. This would be an appropriate condition in the use permit for this neighborhood center.

As the Planning Commission deliberates in the future on necessary ingredients to achieve a good neighborhood center, this proposed plan is instructive in other ways than the size of the anchor tenant. While it provides sidewalk connections, the arrangement of the buildings, parking areas, and loading areas hardly qualifies as "pedestrian friendly." Buildings could be clustered to create defined open spaces with views terminated by buildings and walkways punctuated with plaza areas. Large wall areas of big box stores could be lined with individual store fronts for small businesses. Loading areas could be better screened by being sandwiched between buildings.

4. Adjustments to setbacks and to allow signs to be located more than 30' away from buildings are requested. The site plan shows six individual lots, each with frontage to a public street. Perimeter setbacks of 20' along South 40th Street and along

Yankee, and 50' along South 37th Street and Grainger Parkway are shown. The only applicable setback in this case is a 20' front yard, and the perimeter setback shown meets or exceeds it so no setback adjustment is required.

The sign regulations for the B-2 district require the individual pad site identification signs to be located within 30' of the building they serve. As proposed, some signs would need to be located very close to the building due to the parking lot layout. Granting this adjustment does not allow any more signs or sign area, and the impact would not be significant if granted.

Beyond the requested modification to locate identification signs more than 30' from a building, there are no other adjustments and signs are to be installed per the requirements of the Zoning Ordinance and Sign Code. As a result, the two signs identified as "Anchor Store Sign" are unnecessary and may cause confusion if left on the site plan.

5. The trip cap analysis submitted with the application indicates an additional 300 P.M. peak hour trips being generated by this development compared to the most recent traffic study for this area. A revised traffic study must be provided so the impact of the additional trips can be evaluated. A revised study may indicate additional needed improvements in Grainger Parkway, South 37th and South 40th Streets, and Yankee Hill Road. Any additional improvements required as a result of the increase in trip generation and attributable to this development, including either new turn lanes or expanding existing turn lanes, will be the responsibility of the developer.
6. Access to the site is provided by driveways onto adjacent public streets, and no new public streets or private roadways are shown. Internal access is provided by a system of private drives over public access easements. It is important that the proposed driveways align with existing streets or drives to minimize traffic conflicts. It is not clear if the drive onto South 37th Street aligns with the drive to the west entering the Sterling Hills development. The plans must be revised to show the drive to the west and the proper drive alignment.

The drive onto South 40th Street is aligned with a parking lot median. This requires cars to immediately execute a turning movement upon entering the site, and does not provide any space for vehicle stacking for cars exiting the site. The drive should be moved slightly to align with a driving aisle through the parking lot.

7. This project is subject to the recently adopted Design Standards for Pedestrian Circulation in Commercial Areas. The proposed site plan provides good

pedestrian access and most of the required sidewalks are shown. The plan also includes two sidewalks which are not required that extend through the parking lot to connect the anchor building to the sidewalk along South 40th Street. The additional needed sidewalks are: an extension of the sidewalk in the parking median north of the building on Lot 4 to the sidewalk connection to South 31st Street; a sidewalk along the west side of the drive between Lots 5 and 6 connecting the anchor store to the sidewalk along Yankee Hill Road, plus a sidewalk connection to the building on Lot 5; and an extension of the sidewalk along the south side of Lot 2 to the sidewalk in South 40th Street. The specific sizing and actual location of sidewalks must comply with Design Standards and will be reviewed at time of building permits.

8. This site is surrounded by residential uses to the north and west. The impact represented by a potentially large store should be mitigated to ensure compatibility with the less intensive surrounding uses. Limitations upon signs and lighting on the walls facing those areas should be included to maintain compatibility with the surrounding neighborhood.
9. A loading area is shown on the west side of the building and includes a vehicle parking area. A facility to allow vehicles to turn around and exit is required.
10. The Health Department notes the existence of a 12" high-pressure, underground natural gas pipeline south of this development. There are no requirements for regulating land uses adjacent to it, however the Health Department recommends the location be noted on the site plan to help serve notice to affected parties.
11. The Comprehensive Plan shows the bike trail system along Yankee Hill Road in this area. The sidewalk along Yankee Hill Road needs to be expanded to reflect a 10'-wide bike trail. An additional 6' of right-of-way must be dedicated to accommodate this wider sidewalk.
12. The site is platted as an outlot for future development. Prior to building permits, a final plat creating developable lots must be approved.
13. Other minor revisions to the site plan are required and are included in the conditions of approval.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits 224,000 square feet of commercial floor area with an adjustment to the sign requirements to allow individual pad signs to be located more than 30' from the building.

General Conditions:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents to the Planning Department for review and approval.
 - 2.1.1 A revised site plan including 5 copies showing the following:
 - 2.1.1.1 Any revisions required by Public Works and Utilities per the revised traffic study.
 - 2.1.1.2 A revised landscape plan showing: 1 - street trees deleted; 2 - a tree species other than Ponderosa Pine planted in mass per Parks and Recreation's review; 3 - a note that states "THE LANDSCAPING SHOWN ALONG SOUTH 37TH STREET AND GRAINGER PARKWAY REPRESENTS THE MINIMUM AMOUNT REQUIRED. ADDITIONAL LANDSCAPING MAY BE PLANTED, BUT THE REQUIRED AMOUNT SHALL NOT BE REDUCED BELOW WHAT IS SHOWN. ALL OTHER LANDSCAPING TO COMPLY WITH LINCOLN MUNICIPAL CODE TITLES 26 AND 27 AND THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS. STREET TREES TO BE SHOWN AT TIME OF FINAL PLAT."
 - 2.1.1.3 Add a General Note that states "INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS."
 - 2.1.1.4 Delete General Notes 15 and 23.

- 2.1.1.5 Delete the text and symbols indicating "Anchor Store Sign."
- 2.1.1.6 Show the South 40th Street driveway aligned with parking aisles, and the South 37th Street driveway aligned to the satisfaction of Public Works and Utilities.
- 2.1.1.7 Revise General Note #22 to state "A COMMON ACCESS EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND PARKING STALLS."
- 2.1.1.8 Revise General Note #24 to state "NO BUILDING OR PARKING SHALL BE ALLOWED IN THE 50'-WIDE LANDSCAPE BUFFER ADJACENT TO SOUTH 37TH STREET OR GRAINGER PARKWAY."
- 2.1.1.9 Delete waiver #1.
- 2.1.1.10 Show a vehicle turn-around in the loading area on the west side of the anchor building.
- 2.1.1.11 Show the location of the high-pressure gas line.
- 2.1.1.12 Show the bike trail along Yankee Hill Road and any required additional right-of-way.
- 2.1.1.13 Revise the last line of General Note #13 to state "SIGNS TO CONFORM TO THE ZONING ORDINANCE, EXCEPT THAT WALL SIGNS SHALL NOT BE ALLOWED ON THE NORTH AND WEST WALLS OF THE ANCHOR STORE."
- 2.1.1.14 Add a General Note that states "ANY LIGHTING ON THE NORTH AND WEST SIDES OF THE ANCHOR STORE TO COMPLY WITH DESIGN STANDARDS Chapter 3.00, SECTION 8.
- 2.1.1.15 Add a north arrow and scale.
- 2.1.1.16 Correct the total acreage in the legal description.
- 2.1.1.17 Revise General Note #9 to state "ALL MEDIANS,

LANDSCAPING AND PEDESTRIAN CIRCULATION
WITHIN THIS USE PERMIT TO MAINTAINED BY AN
ASSOCIATION OF PROPERTY OWNERS.”

- 2.1.1.20 Revise General Note #20 to state “ATM’S. FENCES,
DECORATIVE STRUCTURES AND ACCESSORY
BUILDINGS ARE NOT SHOWN ON THE SITE PLAN
BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25'
OR SMALLER AND ARE CONSTRUCTED OUTSIDE
OF SETBACKS, SIGHT TRIANGLES, EASEMENTS,
AND REQUIRED MINIMUM PARKING, AND ARE
BUILT ACCORDING TO ZONING ORDINANCE
PROVISIONS, AND ARE IN CONFORMANCE WITH
ALL OTHER APPLICABLE CODES.”
- 2.2 Grading and drainage and utility plans revised to the satisfaction of Public
Works and Utilities.
- 2.3 A traffic study accepted by Public Works and Utilities.
- 2.4 A final plat for the site is approved.
- 2.4 The construction plans comply with the approved plans.

Standard Conditions:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings all development and construction is to
comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and pedestrian
circulation facilities, are to be permanently maintained by the owner or an
appropriately established homeowners association approved by the City.
 - 3.3 The site plan accompanying this permit shall be the basis for all
interpretations of setbacks, yards, locations of buildings, location of parking
and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the
permittee, its successors and assigns.

- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

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April 11, 2006

**APPLICANT/
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Lincoln, NE 68512
402.436.3444



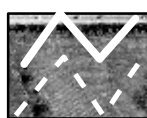
Use Permit #06004 S. 40th St. & Yankee Hill Rd.

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 19 T9N R7E

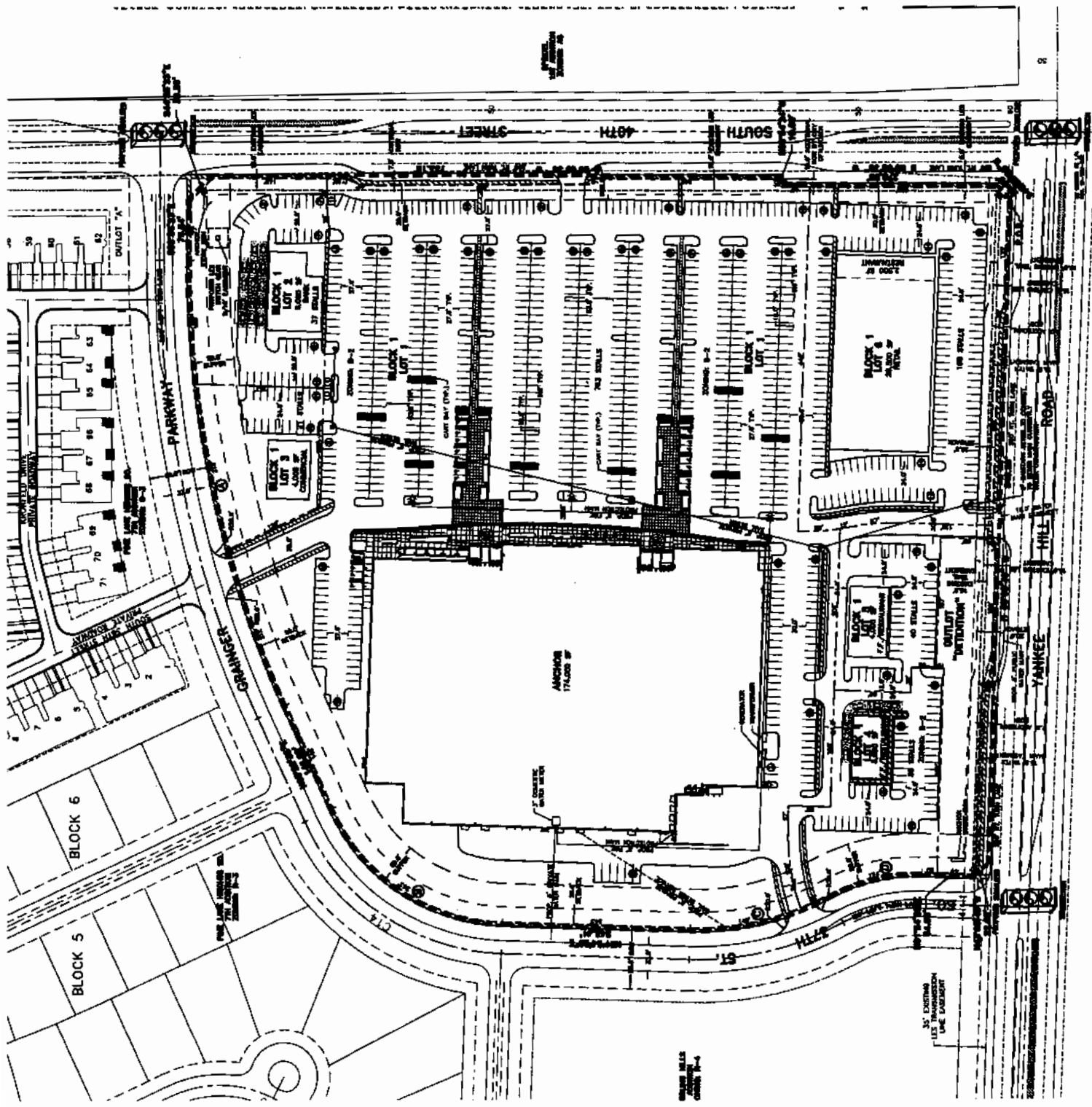


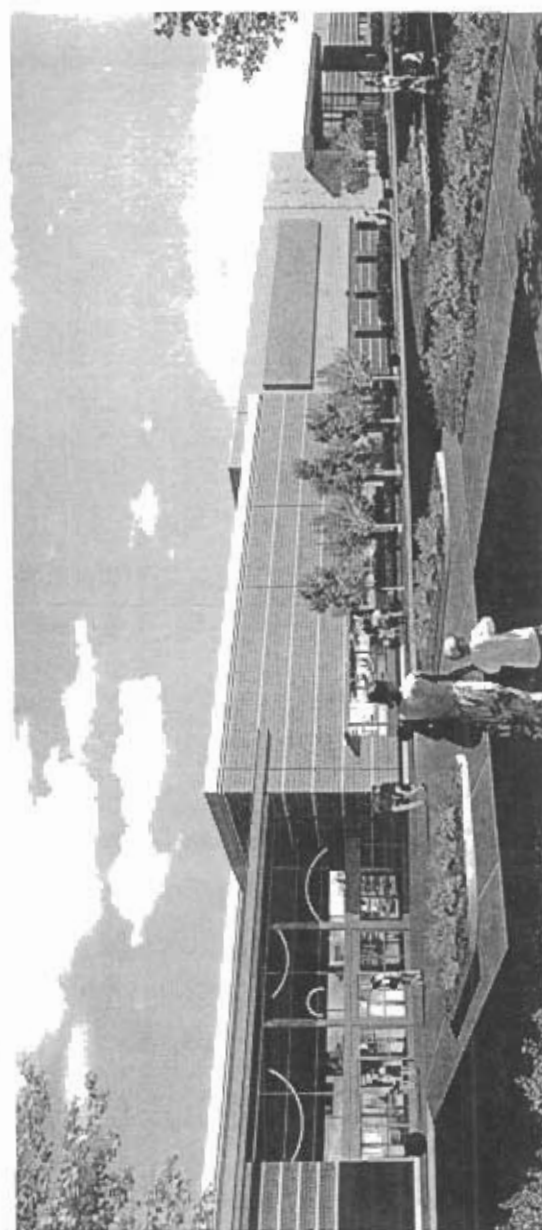
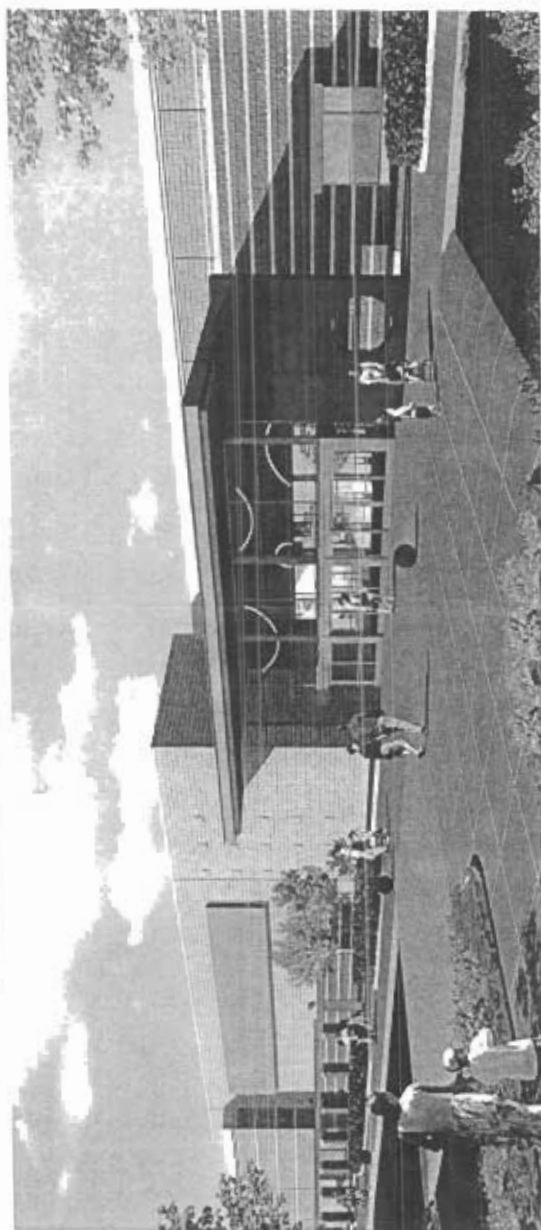
Zoning Jurisdiction Lines

City Limit Jurisdiction

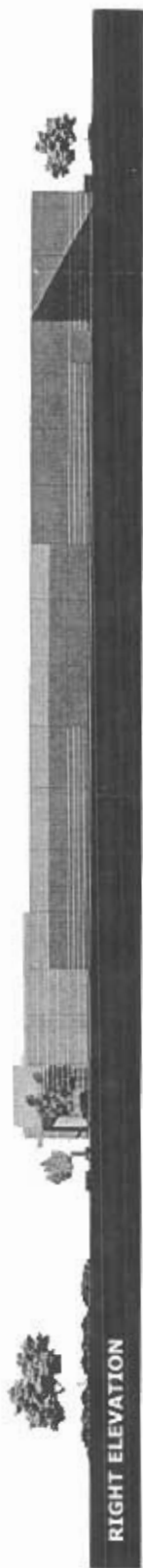
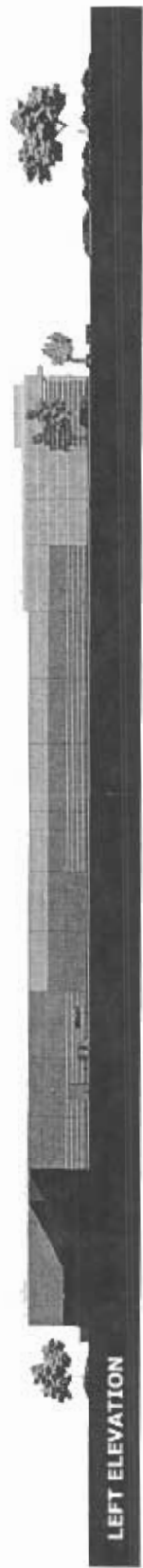


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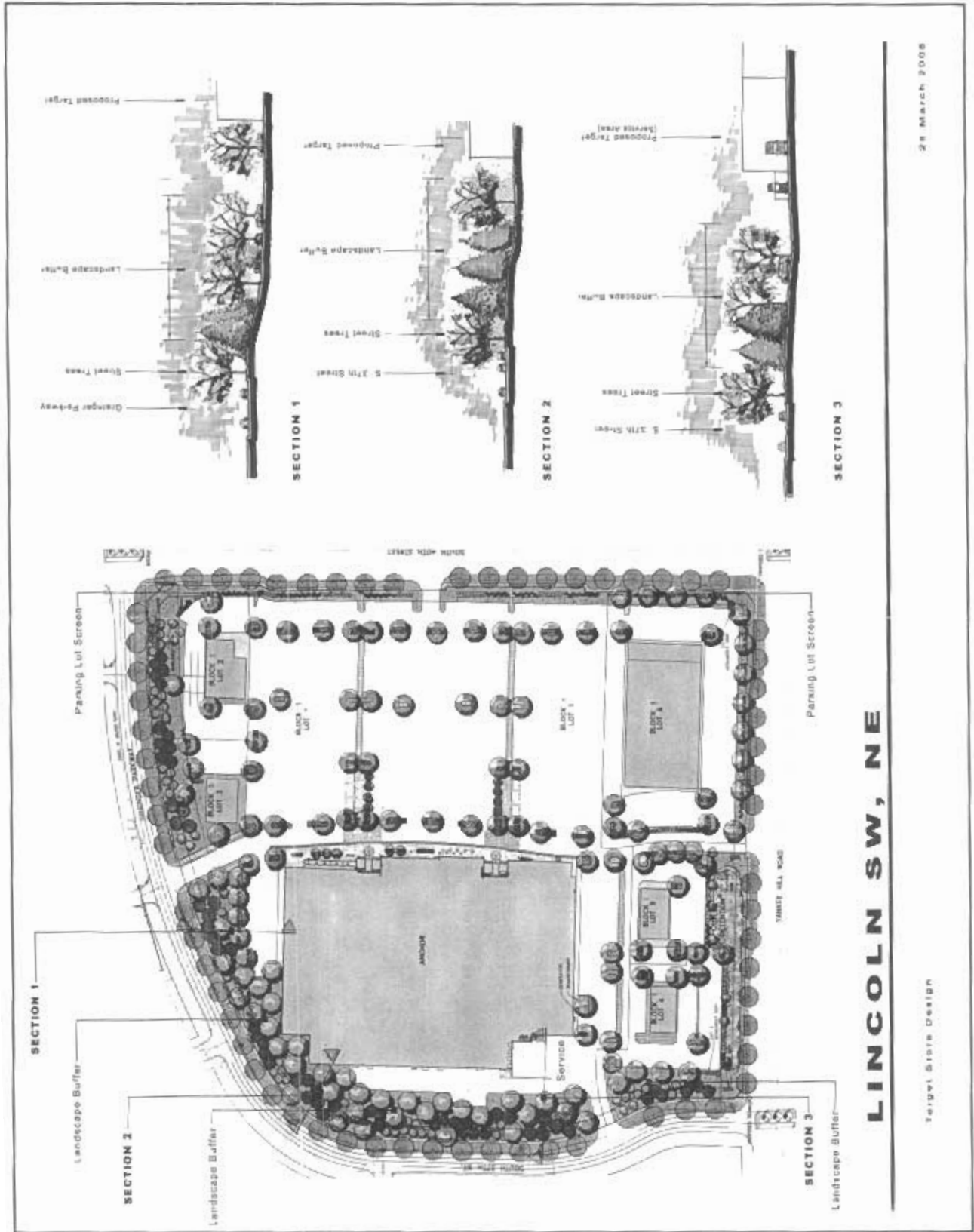




LINCOLN SW, NE



LINCOLN SW, NE



LINCOLN SW, NE

Target Site Design

28 March 2008

GENERAL NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPARTMENT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
4. PUBLIC SIDEWALKS SHALL BE 5' WIDE. SIDEWALKS SHALL BE CONSTRUCTED ON SOUTH 40TH STREET, GRAINGER PARKWAY, YANKEE HILL ROAD AND SOUTH 37TH STREET. INTERNAL PRIVATE SIDEWALKS SHALL BE 4' WIDE.
5. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
6. DIRECT VEHICULAR ACCESS TO SOUTH 40TH STREET, YANKEE HILL ROAD, GRAINGER PARKWAY AND SOUTH 37TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
7. ALL ELEVATIONS ARE TO NAVD 1988.
8. ALL PARKING LOT ISLANDS SHALL BE RAISED, CONCRETE CURB AND GUTTER MEDIANS.
9. ALL OUTLOTS, MEDIANS, AND PRIVATE ROADWAYS WITHIN THIS USE PERMIT SHALL BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
10. UTILITY EASEMENTS TO BE PROVIDED AS REQUESTED BY L.E.S.
11. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
12. TOTAL USAGE:
 - TOTAL BLOCKS - 1
 - TOTAL LOTS - 6
 - TOTAL OUTLOTS - 1
13. THE PARKING LOT LAYOUT SHOWN IS CONCEPTUAL. THE ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF LINCOLN DESIGN STANDARDS. LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING PERMIT. SIGNS TO CONFORM TO ZONING ORDINANCE 27.69.
14. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
15. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE LOTS AS LONG AS THE PERIMETER SETBACKS ARE MAINTAINED.
16. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
17. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL 58, NO. 144/RULES AND REGULATIONS).
18. THE SALE OF ALCOHOL SHALL CONFORM WITH THE ZONING ORDINANCE.
19. TENT USAGE APRIL 1ST - NOV. 1ST MAX. SIZE OF TENTS 80' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20 FEET OF TENTS. MULTIPLE TENTS MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT COVER MINIMUM NUMBER OF PARKING STALLS REQUIRED BY CHAPTER 27.67 OF THE ZONING ORDINANCE.
20. ATM's, FENCES, DECORATIVE STRUCTURES, & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
21. MINOR ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT, PROVIDED THE TOTAL FLOOR AREA OF THE CENTER DOES NOT EXCEED 215,600 SQUARE FEET. ANY INCREASE IN FLOOR AREA ABOVE 215,600 MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT.
22. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS.
23. THE LOCATION OF "ANCHOR" STORE SIGNS ARE SHOWN. THE LOCATION OF INDIVIDUAL LOT SIGNS SHALL BE ACCORDING TO SECTION 27.69 OF THE LINCOLN MUNICIPAL CODE.
24. NO PARKING SHALL BE PERMITTED WITHIN THE 50' LANDSCAPE BUFFER ADJACENT TO S. 37TH ST. AND GRAINGER PARKWAY.

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF THE REMAINING PORTION OF OUTLOT "F", PINE LAKE HEIGHTS SOUTH 7TH ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", SAID POINT BEING 60.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, AND 88.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", ON AN ASSUMED BEARING OF NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST, SAID LINE BEING THE NORTH LINE OF YANKEE HILL ROAD RIGHT-OF-WAY, SAID LINE BEING 60.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 846.59 FEET TO THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE NORTH 43 DEGREES 05 MINUTES 40 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A NORTHEAST LINE OF SOUTH 37TH STREET RIGHT-OF-WAY, A DISTANCE OF 22.63 FEET TO A POINT, THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS EAST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 64.00 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 55 MINUTES 35 SECONDS, A RADIUS OF 240.00 FEET, A ARC LENGTH OF 125.36 FEET, A CHORD BEARING OF NORTH 13 DEGREES 03 MINUTES 28 SECONDS WEST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 123.94 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 55 MINUTES 35 SECONDS, A RADIUS OF 360.00 FEET, A ARC LENGTH OF 188.03 FEET, A CHORD BEARING OF NORTH 13 DEGREES 03 MINUTES 28 SECONDS WEST ALONG A WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 185.90 FEET TO A POINT OF TANGENCY, THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE EAST LINE OF GRAINGER PARKWAY RIGHT-OF-WAY, A DISTANCE OF 243.41 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 63 DEGREES 28 MINUTES 13 SECONDS, A RADIUS OF 250.00 FEET, A ARC LENGTH OF 276.94 FEET, A CHORD BEARING OF NORTH 33 DEGREES 38 MINUTES 26 SECONDS EAST ALONG THE NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 263.00 FEET TO A POINT OF TANGENCY, THENCE NORTH 65 DEGREES 22 MINUTES 33 SECONDS EAST ALONG A NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 148.02 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 24 DEGREES 41 MINUTES 04 SECONDS, A RADIUS OF 1,360.00 FEET, A ARC LENGTH OF 585.92 FEET, A CHORD BEARING OF NORTH 77 DEGREES 43 MINUTES 05 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 581.40 FEET TO A POINT OF TANGENCY, THENCE SOUTH 89 DEGREES 56 MINUTES 23 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 76.54 FEET TO THE NORTHEAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 44 DEGREES 55 MINUTES 23 SECONDS EAST ALONG A NORTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 39.59 FEET TO A EAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE WEST LINE OF SOUTH 40TH STREET RIGHT-OF-WAY, SAID LINE BEING 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 733.15 FEET TO A EAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE NORTH 89 DEGREES 54 MINUTES 24 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A EAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 70.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 278.56 FEET TO A EAST CORNER OF SAID REMAINING PORTION OF OUTLOT "F", THENCE SOUTH 45 DEGREES 59 MINUTES 58 SECONDS WEST ALONG THE SOUTHEAST LINE OF SAID REMAINING PORTION OF OUTLOT "F", SAID LINE BEING A NORTHWEST LINE OF YANKEE HILL ROAD RIGHT-OF-WAY, A DISTANCE OF 25.06 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 896,583.42 SQUARE FEET OR 2058 ACRES, MORE OR LESS.

SEACREST & KALKOWSKI, P.C.

A LIMITED LIABILITY ORGANIZATION

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DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

March 30, 2006

HAND DELIVERY

Mr. Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Yankee Ridge Commercial Center Use Permit
Northwest Corner of South 40th Street and Yankee Hill Road

Dear Marvin:

Our office represents The DESCO Group ("DESCO") who has a contract interest in Outlot F, Pine Lake Heights South 7th Addition, Lincoln, Lancaster County, Nebraska ("Outlot F"). Outlot F contains approximately 20.58 acres and is located at the northwest corner of South 40th Street and Yankee Hill Road. It is bounded on its west by South 37th Street and on its north by Grainger Parkway. Outlot F is currently zoned B-2. It was zoned B-2 in 1999 at the same time the R-3 zoning for all of the surrounding Pine Lake Heights South residential neighborhood was approved.

DESCO is requesting a Use Permit for Outlot F for 224,000 total square feet of retail uses, with the largest single user shown at 174,000 square feet. We met with Planning staff on March 23, 2006, to obtain comments on a draft site plan. We also met with the Pine Lake Heights South neighbors and other abutting neighbors on March 29, 2006 to obtain their comments. We mailed out over 400 invitations, including the entire neighborhood association, and had 29 people attend. We previously met with both City staff (January 27, 2005) and Pine Lake Heights South neighbors (February 2, 2005) over a year ago to discuss a draft site plan that was similar to the layout and square footage shown on this application. In response to all of these meetings, revisions have been incorporated into the site plan to address many of the comments received.

The Use Permit has been specifically designed to minimize the impact the large user may have on the residential neighbors to the west across South 37th Street and to the north across Grainger Parkway. While the new City standards require a 20 foot front yard setback along South 37th Street and Grainger Parkway, an additional 30 foot buffer area is being shown on the plan. This additional buffer area is being utilized for enhanced landscaping. The landscape

screen being proposed in this area exceeds the City requirements. An additional 26 evergreen trees have been added to the 52 that are required. A note has also been added to the Site Plan that prohibits any parking within this buffer area.

The large building has been oriented so the loading dock faces south away from the residential neighbors. A screening wall is shown that screens the dock area from the neighbors to the west. Right in, right out intersections have been shown into the site from both South 40th Street and Yankee Hill Road. The Yankee Hill Road intersection was added at the request of the neighbors to help minimize the traffic on South 37th Street and Grainger Parkway.

The traffic for this commercial area was master planned back in April 2002, when the first use permit was issued for the commercial area at the northeast corner of South 27th Street and Yankee Hill Road. At that time, the owners conducted a traffic study that included both the South 27th Street and South 40th Street commercial areas. The road improvements necessary to handle the traffic from both commercial centers were identified, and the Pine Lake Heights South Agreement for the Installation of Off-Site Transportation Improvements was entered into with the City to identify who would pay for the cost of the improvements. As part of that Agreement there was a cap placed on the number of P.M. peak hour trips that could be generated by the commercial areas, and traffic signals at various locations were identified. A memo is included with this submittal that shows the traffic that will be generated by this proposed development added to the approved development on South 27th Street is below the cap set out in the Agreement with the City. Consequently, the road improvements necessary to handle the traffic from this proposed development have already been planned for and some have been constructed.

Enclosed please find the following for the above-mentioned project:

1. 21 copies of the Site Plan
2. 9 copies of the Drainage and Grading Plan
3. 9 copies of the Landscape Plan
4. City of Lincoln Zoning Application (Use Permit)
5. \$740 Submittal Fee
6. 1 copy of the Ownership Certificate
7. Building Elevations for illustrative purposes
8. Trip Cap Analysis
9. 3 copies of the Pine Lake Heights South 4th Master Drainage Plans

The following waivers are requested:

1. Waiver to L.M.C. Section 27.31.090 to reduce internal yard setbacks for Lots 1 through 6 to 0' within the development.

This waiver request only applies to the internal setbacks within the development. It will allow the buildable areas to be platted as lots and the parking area to be shown as a common outlot. The perimeter lot setbacks will conform to the City requirements as shown on the Site Plan.

2. Waiver to L.M.C. Section 27.31.090 to permit ground signs for the individual pad site buildings to be located more than thirty feet from the building.

The Lincoln Municipal Code allows each individual free standing pad site building an on-premises ground sign in the B-2 district. We are requesting that the ground signs for the individual pad site buildings be allowed to be located more than thirty feet from the pad site building. Due to the parking layout on each individual pad site, it may not be possible to locate the sign within thirty feet from the building.

We look forward to working with the City on this project. Please contact me or Mark Palmer from Olsson Associates if you have any questions or require any additional information.

Very truly yours,



DANAY KALKOWSKI

For the Firm

Enclosures

cc: The DESCO Group
Ridge Development Company
Southview, Inc.
Jon Camp

Memorandum

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities

Subject: Yankee Ridge Use Permit #06004

Date: 4/12/06

cc:

Engineering Services has reviewed the Yankee Ridge Use Permit, located on the northwest corner of South 40th Street and Yankee Hill Road and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) The note relating to the sanitary sewer connection across Yankee Hill Road needs to be revised to generally state that this is a future connection. The project that would bring the necessary trunk sewer to this area is not planned to be constructed for a couple of years. Also, the local sewer system would have to be extended thru the Wilderness Hills 1st Addition preliminary plat to make the connection possible. It has been indicated that this portion of the Wilderness Hills 1st plat is not planned for development for approximately five years.

(1.2) The proposed 8" for the anchor lot is assumed to be shown connecting the existing 8" public sewer stub in South 37th Street. If this is the intention, the existing stub extending from the existing manhole on the west side of the street will be considered private and part of the sewer service and maintenance on this portion will be the responsibility of the developer/owner. If the developer/owner does not agree to assume maintenance of this existing stub, a manhole will be required at the end of the existing stub and the proposed service will be required to tap the manhole.

Water Main - The water system is satisfactory.

Grading/Drainage - The following comments need to be addressed.

(3.1) The outlet for the proposed detention cell needs to be shown on the plans. Calculations need to be provided showing that the outlet is adequate to match the release rates shown on the revised sheet 7 of 14 of the Pine Lake Heights South 4th plat included in this submittal.

Streets/Paving - The following comments need to be addressed.

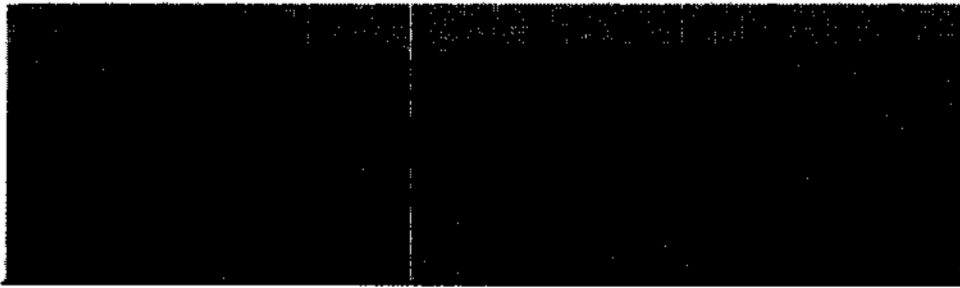
(4.1) The proposed development shows an increase of almost 300 pm peak trips when compared to the traffic study for Use Permit 134A and Use Permit 149. A revised traffic study should be provided to address the increase in trips. The revised study needs to specifically address the effects of the increased trips on Grainger Parkway and South 37th Street and their intersections with South 40th Street and

Yankee Hill Road respectively. The revised study also needs to address the adequacy of the left turn lane lengths in 40th Street and Yankee Hill Road at Grainger and 37th respectively.

(4.2) The future street connection on the west side of 37th Street just north of Yankee Hill Road needs to be shown. The drive connection to south 37th Street from this site should be aligned with the future residential street connection from the west side of the street. This would reduce traffic conflicts from the turning movements for both connections, especially given the high traffic volume for this site.

(4.3) There appears to be a large extension of the parking and loading area behind the proposed anchor store building. If this area is to be used by vehicles, the plans should be revised to allow for vehicles to turn around and exit. This will be a comment on the building permit review and it would be beneficial to address the issues with this submittal.

General – The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



Status of Review: Approved

Reviewed By Alltel

ANY

Comments:

Status of Review: Approved

04/04/2006 7:30:25 AM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

Status of Review: Approved

04/06/2006 11:44:49 AM

Reviewed By Fire Department

ANY

Comments: Upon review of the proposal, we have no objections to the layout of the proposal. The issue we have is the lack of Fire facilities in the area that does not allow us to provide the type of emergency response that our citizens have grown accustomed to.

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: April 11, 2006

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Yankee Ridge
EH Administration Commercial Center
UP #06004

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

According to the LLCHD's Geographic Information System (GIS) records, a twelve inch high pressure underground natural gas pipeline is located along the south edge of this proposed development just south of the centerline for Yankee Hill Road. The LLCHD calculated a hazard area of approximately 221 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure.

At this time, there are no current regulations that prohibit the location of occupied buildings within hazard areas. However, the LLCHD strongly recommends that occupied dwellings or buildings not be located within projected hazard areas. At the very least, LLCHD recommends that future owners and/or lessees of dwellings or buildings located within the projected hazard area, be advised of the natural gas pipeline's location.

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: Complete

04/11/2006 12:29:44 PM

Reviewed By Lincoln Electric System

NCSBJW

Comments: LES will require the additional easements marked in red on the map with a blanket utility easement over the outlot.

Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

Status of Review: Approved

04/04/2006 2:37:55 PM

Reviewed By Parks & Recreation

ANY

Comments: Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and approval is contingent on the following:

1. The plans need to reflect a 10' wide trail along Yankee Hill Road.
 2. Street trees need to reflect the assignments of the Forestry Department. Contact 441-7036.
 3. Ponderosa Pine planted in mass is not an acceptable species. Consider using concolor fir, colorado green or blue spruce or black hills spruce.
 4. As pre-cautionary measure to the emerald ash borer it is recommend that the large masses of patmore ash be substituted with Hackberry or intermixed with Hackberry.
-

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

Status of Review: Active

Reviewed By Public Works - Development Services

ANY

Comments:

Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments:

Status of Review: Active

Reviewed By Public Works - Watershed Management

ANY

Comments:
